

Supreme Court of Kentucky

ORDER

**IN RE: COURT RULES FOR NO LIABILITY INSURANCE DIVERSION
PROGRAM FOR THE 55th JUDICIAL DISTRICT OF BULLITT
COUNTY**

Pursuant to KRS 533.262 and SCR 1.040(3)(a), and upon recommendation of the Judges of District Court, and being otherwise sufficiently advised: the Court Rules for the Bullitt County No Liability Insurance Diversion Program, attached hereto, are hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this court.

Entered this 15th day of August, 2008.


CHIEF JUSTICE

BULLITT DISTRICT COURT NO LIABILITY INSURANCE DIVERSION PROGRAM

I. ELIGIBILITY REQUIREMENTS


The Pre-trial Services of the Administrative Office of the Court (AOC) will provide a monitoring program for all first time Defendants who have entered a plea of guilty to having no liability insurance, and who have at the time of the plea of guilt shown proof of current liability insurance covering the vehicle for which Defendant was charged, or any subsequently owned vehicle, or in the event that Defendant no longer owns a vehicle, proof of non-owner's insurance covering him/her on any other vehicles as follows:

- A. If the Defendant is a first-time offender within a five (5) year period, and the instant case does not involve a collision that resulted in physical or property damage, and
 1. Upon the recommendation of the County Attorney and the consent of the Defendant, the District Court Judge shall approve participation in the monitoring program, unless the Court, in its discretion, believes that:
 - a. There is a risk that the Defendant will abscond from the jurisdiction of the Court prior to fulfillment of the terms of the monitoring program to such a degree that the Court deems participation to be ill advised.
 - b. There is risk that the Defendant will commit another crime prior to fulfillment of the terms of the monitoring program to such a degree that the Court deems participation to be ill advised.
 - c. The Defendant is in need of correctional treatment that can be provided most effectively by commitment to the County jail; or
 - d. Participation in the program would unduly depreciate the seriousness of the Defendant's crime.
 2. Upon referral to the program, sentencing on the underlying charge shall be withheld. Notice to the Department of Transportation (DOT) of a finding of guilt shall be withheld until, and only if, sentencing is pronounced upon the Defendant.
 3. Upon Court approval of Defendant's participation in the program, the Defendant shall meet with a monitoring officer to review the Court-ordered conditions, the length of the program, and if required, the need for the Defendant to make restitution. Individual length of time in program participation shall be determined by the District Court Judge and shall not exceed twelve (12) months.
 4. The program participant shall be required to comply with all provisions of the Court-ordered program. If the participant fails to comply, the monitoring officer shall refer the matter to the County Attorney. The County Attorney may, at his or

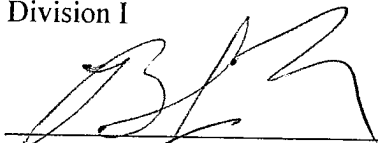
her discretion, move the Court to revoke Defendant, docket the case, with notice to the Defendant and/or the Defendant's attorney of record, for a decision whether to terminate the Defendant's involvement in the program and sentence the Defendant or to modify the terms of the program. Notice to the Defendant to show cause why the Defendant has failed to comply with the terms of the program shall be deemed sufficient if sent by regular first class mail to the Defendant's last known address. Violation of any of the terms of the program may be shown by way of sworn affidavit of the monitoring officer or County Attorney. The Court shall enter an Order reflecting the Court's decision. The Defendant must agree to any modification prior to reinstatement.

5. When the Defendant fully complies with all terms of the program, the monitoring officer shall notify the County Attorney. The Defendant and/or his counsel of record shall be responsible for docketing the case and providing appropriate written notice to the County Attorney of the Defendant's motion to dismiss the case. At that time, the County Attorney would then stand silent or enter an objection, based upon the facts and circumstances of each case.
6. The cost of participation in the program shall be set by Director of the Administrative Office of the Courts. The Court may assess the fee on a sliding scale based upon the ability to pay or waive the fee entirely in the case of indigence.

Date: 6-11-08



Judge Rebecca Ward
Bullitt District Court
Division I



Judge Bailey Taylor
Bullitt District Court
Division II